

1 Alan J. Kessel (Cal. Bar No.: 130707)  
2 Suzanne M. Burke (Cal. Bar No.: 188597)  
3 Kimberly R. Colombo (Cal. Bar No.: 210451)  
4 **BUCHALTER, NEMER, FIELDS & YOUNGER**  
5 A Professional Corporation  
6 18400 Von Karman Avenue, Suite 800  
7 Irvine, California 92612-0514  
8 Telephone: (949) 760-1121  
9 Facsimile: (949) 720-0182  
10  
11 Attorneys for Plaintiff DIRECTV, INC.

12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**UNITED STATES DISTRICT COURT**  
**EASTERN DISTRICT OF CALIFORNIA**  
**SACRAMENTO DIVISION**

DIRECTV, INC., a California corporation,  
Plaintiff,  
vs.  
HUNT, et al.,  
Defendants.

Case No. CIV-S-03-01909 DFL KJM

Hon. David F. Levi

**[PROPOSED] ORDER SETTING ASIDE  
TERMINATION OF ACTION**

Having read the Request to Set Aside Order Terminating Action filed herein by Plaintiff DIRECTV, Inc., and such other pleadings and papers deemed appropriate by the Court, and GOOD CAUSE appearing therefor, the Court ORDERS as follows:

1. The Order entered on April 11, 2005 terminating this action in full is vacated; and
2. Plaintiff DIRECTV, Inc., may re-notice its Motion for Default Judgment against Defendant Ruiz to be heard before the Honorable Kimberly J. Mueller, or any other judge to whom this matter may be assigned.

DATED: 7/22/2005

/s/ David F. Levi  
Honorable David F. Levi  
United States District Court  
Eastern District of California

**PROOF OF SERVICE**

I am employed in the County of Orange, State of California. I am over the age of 18 and not a party to the within action. My business address is at BUCHALTER, NEMER, FIELDS & YOUNGER, A Professional Corporation, 18400 Von Karman Avenue, Suite 800, Irvine, California 92612-0514.

On July 8, 2005, I served the foregoing document described as: **[PROPOSED] ORDER SETTING ASIDE TERMINATION OF ACTION** on all other parties and/or their attorney(s) of record to this action by placing a true copy thereof in a sealed envelope as follows:

**\*\*\*SEE ATTACHED LIST\*\*\***

**[X] BY OVERNIGHT DELIVERY** I placed the Federal Express/Overnite Express package for overnight delivery in a box or location regularly maintained by Federal Express/Overnite Express at my office, or I delivered the package to an authorized courier or driver authorized by Federal Express/Overnite Express to receive documents. The package was placed in a sealed envelope or package designated by Federal Express/Overnite Express with delivery fees paid or provided for, addressed to the person(s) on whom it is to be served at the address(es) shown above, as last given by that person on any document filed in the cause; otherwise at that party's place of residence.

**[X]** I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

Executed on July 8, 2005, at Irvine, California.

\_\_\_\_\_  
Joanne D. Mealey

\_\_\_\_\_  
/s/ Joanne D. Mealey

(Signature)

**SERVICE LIST**

Levi Ruiz  
3309 Santa Rosa Ave.  
Santa Rosa, CA 95407

VIA OVERNIGHT MAIL

Levi Ruiz  
P.O. Box 1181  
Rohnert Park, CA 94927

VIA U.S. MAIL